

**REMARKS**

Applicants hereby traverse the outstanding rejections, and request reconsideration and withdrawal in light of the amendments and remarks contained herein. Claim 40 has been canceled without prejudice. Claims 27-28, 40-45, 47 and 49 are indicated as having allowable material. Claims 25-39 and 41-49 are pending in this application.

**Rejection under 35 U.S.C. § 112, second paragraph**

Claims 29-37 and 39 are rejected under 35 U.S.C. § 112, second paragraph as being indefinite for the reasons listed on page 2 of the Office Action. Specifically, the words “a pattern from the determining” in claim 29, and “the controlling” in claim 39 are asserted by the Office Action as being unclear. The remaining claims are rejected as being dependent from a rejected base claim.

In response, Applicants have amended claim 29 to more clearly define the invention described therein. Applicants have also amended claim 39 to change the dependency to claim 38. The claims have been amended only for the purpose of complying with the requirements of 35 U.S.C. § 112, second paragraph, and not for the purpose of narrowing their scope in the face of prior art. No new matter has been entered. As each element of indefiniteness cited by the Office Action has been addressed with a corresponding amendment Applicants respectfully request the rejection of claims 29-37 and 39 under 35 U.S.C. § 112, second paragraph be withdrawn.

**Rejections under 35 U.S.C. § 102 and 103**

Claims 25-26, 29, 38, 46 and 48 are rejected under 35 U.S.C. § 102(b) as being anticipated by O'Donnell, Jr. ('293, hereinafter O'Donnell).

Claims 31 and 39 are rejected under 35 U.S.C. § 103(a) as being unpatentable over O'Donnell.

Claim 25 has been amended with the substance of claim 40. Claim 46 has been amended with limitations that are similar to those of claim 40. As the limitations of claim 40 have been indicated as allowable, Applicants respectfully assert that these rejections are now

moot. Applicants respectfully request the withdraw these rejections of record. Therefore, the Applicant believes that claims 25-26, 29, 31, 38-39, 46, and 48 are allowable over the prior art of record.

**Conclusion**

The Examiner is thanked for the indication that claims 27-28, 40-45, 47, and 49 include allowable subject matter.

For all the reasons given above, the Applicant submits that the pending claims distinguish over the prior art of record under 35 U.S.C. § 103. Accordingly, the Applicant submits that this application is in full condition for allowance.

Applicant respectfully requests that the Examiner call the below listed attorney if the Examiner believes that such a discussion would be helpful in resolving any remaining problems.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2380, under Order No. 60724/P010C1/10402227 from which the undersigned is authorized to draw.

Dated: November 24, 2004

Respectfully submitted,

By \_\_\_\_\_

Michael A. Papalas

Registration No.: 40,381

FULBRIGHT & JAWORSKI L.L.P.

2200 Ross Avenue, Suite 2800

Dallas, TX 75201-2784

(214) 855-8186

(214) 855-8200 (Fax)

Attorney for Applicant